

SYLVESTER & POLEDNAK, LTD  
JEFFREY R. SYLVESTER, ESQ.

E-FILED November 6 2006

Nevada Bar No. 4396

7371 Prairie Falcon, Suite 120

Las Vegas, Nevada 89128

(702) 952-5200

*Attorneys for USA Commercial Real Estate Group*

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY (fka USA CAPITAL)  
Debtor.

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR

Case No. BK-S-06-10729-LBR

In re:

USA CAPITAL REALTY ADVISORS, LLC.  
Debtor.

Chapter 11

**Jointly Administered Under  
Case No. BK-S-06-10725-LBR**

In re:

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC.  
Debtor.

In re:

USA CAPITAL FIRST TRUST DEED FUND,  
LLC.  
Debtor.

**CERTIFICATE OF SERVICE OF  
REPLY TO DEBTORS' OPPOSITION  
TO MOTION TO ENFORCE ORDER  
GRANTING DEBTORS' MOTION TO  
DISTRIBUTE FUNDS**

In re:

USA SECURITIES, LLC.  
Debtor.

Affects:

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified  
Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Hearing Date: November 13, 2006

Hearing Time: 9:30 a.m.

I HEREBY CERTIFY that on the 6<sup>th</sup> day of November, 2006, I served a copy of the **REPLY**

**TO DEBTORS' OPPOSITION TO MOTION TO ENFORCE ORDER GRANTING**

SYLVESTER & POLEDNAK, LTD.  
7371 Prairie Falcon, Suite 120  
Las Vegas, Nevada 89128  
Phone (702) 952-5200

**DEBTORS' MOTION TO DISTRIBUTE FUNDS [Docket No. 1736]**, via the ECF System to  
the following:

*See attached service list.*

  
An employee of SYLVESTER & POLEDNAK, LTD.

SYLVESTER & POLEDNAK, LTD.  
7371 Prairie Falcon, Suite 120  
Las Vegas, Nevada 89128  
Phone (702) 952-5200

**File an answer to a motion:**06-10725-lbr USA COMMERCIAL MORTGAGE COMPANY**U.S. Bankruptcy Court****District of Nevada**

## Notice of Electronic Filing

The following transaction was received from SYLVESTER, JEFFREY R. entered on 11/6/2006 at 2:06 PM PST and filed on 11/6/2006

**Case Name:** USA COMMERCIAL MORTGAGE COMPANY

**Case Number:** 06-10725-lbr

**Document Number:** 1736

**Docket Text:**

*Reply to Debtors' Opposition to Motion to Enforce Order Granting Debtors' Motion to Distribute Funds* Filed by JEFFREY R. SYLVESTER on behalf of JOSEPH MILANOWSKI, USA COMMERCIAL REAL ESTATE GROUP (Related document(s)[1388] Motion to Enforce, filed by Creditor JOSEPH MILANOWSKI, Creditor USA COMMERCIAL REAL ESTATE GROUP.) (SYLVESTER, JEFFREY)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**G:\MyFiles\11863.001\PLDGS\REPLY OPPS MOT Enforce Distrib Funds 110206.pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=989277954 [Date=11/6/2006] [FileNumber=7464001-0]

[92a30fd392c5fc9d0fa4ffd9b0f7ddbba943d66a97d4b850046096f27e84e8006d9a

01088796a180592d52a8914e7daa0f5074737bb93a646f80eed12f722322]]

**06-10725-lbr Notice will be electronically mailed to:**

FRANKLIN C. ADAMS franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com

NANCY L ALLF nallf@parsonsbehle.com,  
klawrence@parsonsbehle.com;tthomas@parsonsbehle.com;ecf@parsonsbehle.com

FRANK A. ANDERSON anderson.frank@pbgc.gov, efile@pbgc.gov

OGONNA M. ATAMOH oatamoh@nevadafirm.com,  
bkecf@nevadafirm.com;paltstatt@nevadafirm.com;sliberio@nevadafirm.com

KERIANN M ATENCIO ATENCIOK@GTLAW.COM

BMC GROUP, INC. evrato@bmcgroup.com, ecf@bmcgroup.com;jmiller@bmcgroup.com;jbartlett@bmcgroup.com

KELLY J. BRINKMAN kbrinkman@gooldpatterson.com

THOMAS R BROOKSBANK tom@tombrooksbank.com, renee@tombrooksbank.com

ANDREW M. BRUMBY abrumby@shutts-law.com, rhicks@shutts-law.com;lmackson@shutts-law.com



MATTHEW Q. CALLISTER mqc@callister-reynolds.com, maggie@callister-reynolds.com

CANDACE C CARLYON ltreadway@sheacarlyon.com,  
ccarlyon@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;rsmith@sheacarlyon.com

ROB CHARLES rcharles@lrlaw.com, cjordan@lrlaw.com

MICHAEL W. CHEN yvette@ccfirm.com

KEVIN B. CHRISTENSEN kbchrislaw@aol.com

JANET L. CHUBB tbw@jonesvargas.com

JEFFREY A. COGAN jeffrey@jeffreycogan.com, sarah@jeffreycogan.com

WILLIAM D COPE cope\_guerra@yahoo.com

CICI CUNNINGHAM bankruptcy@rocgd.com

LAUREL E. DAVIS bklsclv@lionelsawyer.com,  
ldavis@lionelsawyer.com;gbagley@lionelsawyer.com;ldavisesq@aol.com

DEBT ACQUISITION COMPANY OF AMERICA V, LLC (tf) tfette@daca4.com

THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM

SCOTT D. FLEMING sfleming@halelane.com, dbergsing@halelane.com,ecfvegas@halelane.com

GREGORY E GARMAN bankruptcynotices@gordonsilver.com

WADE B. GOCHNOUR wgochnour@hwmlvlaw.com, donnat@hwmlvlaw.com

CARLOS A. GONZALEZ carlos.gonzalez2@usdoj.gov,  
Darlene.Ruckard@usdoj.gov;Eunice.Jones@usdoj.gov;Sue.Knight@usdoj.gov

GERALD M GORDON bankruptcynotices@gordonsilver.com

R. VAUGHN GOURLEY vgourley@lvcm.com

TALITHA B. GRAY bankruptcynotices@gordonsilver.com

JAMES D. GREENE bknotice@schrecklaw.com

MARJORIE A. GUYMON bankruptcy@goldguylaw.com, ddias@goldguylaw.com

JEFFREY R. HALL jhall@sheacarlyon.com,  
bankruptcyfilings@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@sheacarlyon.com

XANNA R. HARDMAN xanna.hardman@gmail.com

STEPHEN R HARRIS noticesbh&p@renolaw.biz

JEFFREY L HARTMAN notices@bankruptcyreno.com

BRIGID M. HIGGINS bankruptcynotices@gordonsilver.com

DAVID W. HUSTON dwh@hustonlaw.net, swaits@hustonlaw.net

CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com

EVAN L. JAMES ejameslv@earthlink.net, kbchrislaw@aol.com

TY E. KEHOE TyKehoeLaw@aol.com

ROBERT R. KINAS rkinas@swlaw.com,  
mstrand@swlaw.com;jlustig@swlaw.com;chaines@swlaw.com;imccord@swlaw.com

ZACHARIAH LARSON ecf@lslawnv.com

JOHN J. LAXAGUE jlaxague@canecclark.com

GEORGE C LAZAR glazar@foxjohns.com, gclazar@sbcglobal.net

NILE LEATHAM nleatham@klnevada.com, ckishi@klnevada.com;bankruptcy@klnevada.com

ROBERT C. LEPOME robert@robertlepome.com, susan@robertlepome.com

ANNE M. LORADITCH ecffilings@beckleylaw.com, aloraditch@beckleylaw.com;pkois@beckleylaw.com

JAMES C. MCCARROLL , dturetsky@reedsmith.com;aleonard@reedsmith.com

REGINA M. MCCONNELL rmccconnell@kssattorneys.com

WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com

RICHARD MCKNIGHT mcknightlaw@cox.net, gkopang@lawlasvegas.com;cburke@lawlasvegas.com

JEANETTE E. MCPHERSON bkfilings@s-mlaw.com

JEANETTE E. MCPHERSON bkfilings@s-mlaw.com

SHAWN W MILLER bankruptcyfilings@sheacarlyon.com,  
smiller@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@sheacarlyon.com

DAVID MINCIN mcknightlaw@cox.net,  
gkopang@lawlasvegas.com;dmincin@lawlasvegas.com;cburke@lawlasvegas.com

JOHN F MURTHA jmurtha@woodburnandwedge.com

ERVEN T. NELSON erv@rlbolick.com, susan@rlbolick.com

VICTORIA L NELSON bkecf@nevadafirm.com,  
vnelson@nevadafirm.com;paltstatt@nevadafirm.com;rholley@nevadafirm.com;sliberio@nevadafirm.com

BOB L. OLSON ecffilings@beckleylaw.com, bolson@beckleylaw.com;dgriffis@beckleylaw.com

DONNA M. OSBORN ebaker@marquisaurbach.com,

dosborn@marquisaurbach.com;tszostek@marquisaurbach.com;kgallegos@MarquisAurbach.com

ANDREW M. PARLEN aparlen@stutman.com

DONALD T. POLEDNAK sandplegal@yahoo.com, spbankruptcy@yahoo.com

PAUL C RAY info@johnpeterlee.com

SUSAN WILLIAMS SCANN sscann@deanerlaw.com, palexander@deanerlaw.com

LENARD E. SCHWARTZER bkfilings@s-mlaw.com

JAMES PATRICK SHEA bankruptcyfilings@sheacarlyon.com,  
ltreadway@sheacarlyon.com;rsmith@sheacarlyon.com

SHLOMO S. SHERMAN ssherman@sheacarlyon.com,  
aboehmer@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@sheacarlyon.com

AMBRISH S. SIDHU ecf@lslawnv.com

JEFFREY G. SLOANE gjklepel@yahoo.com, rmconnell@kssattorneys.com

DAVID A. STEPHENS dstephens@lvcm.com

PETER SUSI cheryl@msmlaw.com, msm@msmlaw.com

JEFFREY R. SYLVESTER jeff@sylvesterpolednak.com, David@sylvesterpolednak.com

CARYN S. TIJSSELING ctijsseling@beckleylaw.com, aanthony@beckleylaw.com

AMY N TIRRE atirre@kkbrf.com, ksims@kkbrf.com;lleverett@kkbrf.com

U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov

GREGORY J. WALCH GWalch@Nevadafirm.com

WHITNEY B. WARNICK wbw@albrightstoddard.com, bstessel@albrightstoddard.com

JOAN C WRIGHT jwright@allisonmackenzie.com, jbrooks@allisonmackenzie.com

MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com

**06-10725-lbr Notice will not be electronically mailed to:**

THOMAS J. ALLISON

,

ALVAREZ & MARSAL, LLC

,

AMERICAN EXPRESS BANK FSB  
C/O BECKET AND LEE LLP  
POB 3001  
MALVERN, PA 19355-0701



ANGELO GORDON & CO  
C/O JED HART  
245 PARK AVE, 26TH FL  
NEW YORK, NY 10167

EVAN BEAVERS  
1625 HIGHWAY 88, #304  
MINDEN, NV 89423

BECKLEY SINGLETON, CHTD.  
,

FLOCERFIDA BENINCASA  
9359 ROPING COWBOY AVE  
LAS VEGAS, NV 89178

JASPER BENINCASA  
9359 ROPING COWBOY AVE.  
LAS VEGAS, NV 89178

JOSHUA D BRYSK  
LAW OFFICES OF JAMES G SCHWARTZ  
7901 STONERIDGE DRIVE, SUITE 401  
PLEASANTON, CA 94588

ELISSA F CADISH  
3930 HOWARD HUGHS PKWY, 4TH FLR  
LAS VEGAS, NV 89169

DONNA CANGELOSI  
,

CURTIS F CLARK  
,

VINCE DANELIAN  
P.O. BOX 97782  
LAS VEGAS, NV 89193

FRANK A ELLIS  
510 S 9TH ST  
LAS VEGAS, NV 89101

GEORGE D FRAME  
601 GREENWAY ROAD, STE D  
HENDERSON, NV 89015

FTI CONSULTING, INC.  
,

RICHARD D. GREEN  
,

JOHN HANDAL

HILCO REAL ESTATE LLC/HILCO REAL ESTATE APPRAISAL, LLC

DAVID W. HUSTON

INTERIM COMMITTEE OF CONCERNED INVESTORS

PAUL A. JACQUES  
810 SE 7TH ST A-103  
DEERFIELD BEACH, FL 33441

ANNETTE W JARVIS  
POB 45385  
SALT LAKE CITY, UT 84145

ANNETTE W JARVIS  
POB 45385  
36 SOUTH STATE STREET, #1400  
SALT LAKE CITY, UT 84145-0385

HARRY JESSUP  
2009 WESTLUND DR.  
LAS VEGAS, NV 89102

HELEN B. JESSUP  
2009 WESTLUND DR.  
LAS VEGAS, NV 89102

RICHARD E KAMMERMAN  
RICHARD KAMMERMAN PC  
7200 N MOPAC, SUITE 150  
AUSTIN, TX 78731

LINDA KETTERMAN  
321 N. 19TH STREET  
ENID, OK 73701

RAY KETTERMAN  
321 N. 19TH STREET  
ENID, OK 73701

EDWARD KLINE  
9932 ARBUCKLE DRIVE  
LAS VEGAS, NV 89134

MATTHEW J. KREUTZER  
HALE LANE PEEK DENNISON AND HOWARD  
3930 HOWARD HUGHES PARKWAY  
FOURTH FLOOR



LAS VEGAS, NV 89169

REID W. LAMBERT  
WOODBURY & KESLER, P.C.  
265 EAST 100 SOUTH, SUITE 300  
SALT LAKE CITY, UT 84111

MARC A. LEVINSON  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
400 Capitol Mall  
Suite 30000  
Sacramento, CA 95814-4497

LEWIS AND ROCA LLP

ELIZABETH R. LOVERIDGE  
WOODBURY & KESLER, P.C.  
265 EAST 100 SOUTH, SUITE 300  
SALT LAKE CITY, UT 84111

LEE D. MACKSON  
SHUTTS & BOWEN LLP  
1500 MIAMI CENTER  
201 SOUTH BISCAYNE BOULEVARD  
MIAMI, FL 33131

JERROLD T. MARITIN  
8423 PASO ROBLES  
NORTHRIDGE, CA 91325

TERRY MARKWELL  
12765 SILVER WOLF ROAD  
RENO, NV 89511

RICHARD J. MASON  
130 PINETREE LANE  
RIVERWOODS, IL 60015

JAY L. MICHAELSON

BRECK E. MILDE  
TERRA LAW LLP  
60 SOUTH MARKET ST, SUITE 200  
SAN JOSE, CA 95113

DOUGLAS M MONSON  
RAY QUINNEY & NEBEKER P.C.  
36 SOUTH STATE STREET  
SUITE 1400  
PO BOX 45385  
SALT LAKE CITY, UT 84145-0385

STEVEN R ORR  
RICHARDS WATSON & GERSHON  
355 SOUTH GRAND AVENUE, 40TH FLOOR  
LOS ANGELES, CA 90071

ORRICK, HERRINGTON & SUTCLIFFE, LLP

ANDREW M PARLEN

J. STEPHEN PEEK  
HALE LANE PEEK DENNISON AND HOWARD  
3930 HOWARD HUGHES PARKWAY  
FOURTH FLOOR  
LAS VEGAS, NV 89169

NANCY A. PETERMAN  
GREENBERG TRAURIG, LLP  
77 W. WACKER DR., SUITE 2500  
CHICAGO, IL 60601

RAY QUINNEY & NEBEKER P.C.  
36 SOUTH STATE STREET, SUITE 1400  
P.O. BOX 45385  
SALT LAKE CITY, UT 84145

ROBERT W. ULM, TRUSTEE OF THE ULM LIVING TRUST

R J ROCCO  
12617 COTTAGEVILLE LANE  
KELLER, TX 76248

NICHOLAS J SANTORO  
400 S FOURTH ST 3RD FLOOR  
LAS VEGAS, NV 89101

MICHAEL M. SCHMAHL  
MCGUIREWOODS LLP  
77 W. WACKER DRIVE, SUITE 4100  
CHICAGO, IL 60601

JAMES G SCHWARTZ  
7901 STONERIDGE DR #401  
PLEASANTON, CA 94588

SCHWARTZER & MCPHERSON LAW FIRM  
2850 S. JONES BLVD., #1  
LAS VEGAS, NV 89146

SHEA & CARLYON, LTD.

SIERRA CONSULTING GROUP, LLC

WENDY W. SMITH  
BINDER & MALTER, LLP  
2775 PARK AVENUE  
SANTA CLARA, CA 95050

PATRICIA K. SMOOTS  
318 N GROVE  
OAK PARK, IL 60302

BRADLEY J STEVENS  
3300 N CENTRAL AVE  
PHOENIX, AZ 85012

BRADLEY J STEVENS  
3300 N CENTRAL AVE #1800  
PHOENIX, AZ 85012

THOMAS W STILLEY  
1000 SW BROADWAY #1400  
PORTLAND, OR 97205

STEVEN C STRONG  
RAY QUINNEY & NEBEKER P.C.  
36 SOUTH STATE STREET  
SUITE 1400  
SALT LAKE CITY, UT 84145-0385

STUTMAN, TREISTER & GLATT PROFESSIONAL CORPORATION  
1901 AVENUE OF THE STARS, 12TH FLR  
LOS ANGELES, CA 90067

U.S. BANKRUPTCY COURT

ROY R. VENTURA

RUSSELL S. WALKER  
265 EAST 100 SOUTH  
SUITE 300  
SALT LAKE CITY, UT 84111

JOYCE WATSON  
10612 BLACK IRON ROAD  
LOUISVILLE, KY 40291

STEVE WATSON  
10612 BLACK IRON ROAD  
LOUISVILLE, KY 40291

WILLIAM E WINFIELD



POB 9100  
OXNARD, CA 93031

MARION E. WYNNE  
WILKINS, BANKESTER, BILES & WYNNE, P.A.  
POST OFFICE BOX 1367  
FAIRHOPE, AL 36533-1367